

1 ALAN R. BRAYTON, ESQ., S.B. #73685
2 DAVID R. DONADIO, ESQ., S.B. #154436
2 RICHARD M. GRANT, ESQ., S.B. #55677
2 BRAYTON & PURCELL LLP
3 Attorneys at Law
222 Rush Landing Road
4 P.O. Box 6169
Novato, California 94948-6169
5 (415) 898-1555

6 Attorneys for Plaintiff

7

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN CALIFORNIA OF CALIFORNIA**

10 PHILIP FOSTER, } Case No. CV 08-5657 WHA
11 Plaintiff, }
12 vs. } JOINT STIPULATION TO DISMISS
13 ASBESTOS DEFENDANTS (B&P) } DEFENDANT THE BOEING COMPANY
AND TO REMAND ACTION TO STATE
COURT AND ORDER THEREON

14 [Local Rules 7-1 and 7-12; FRCP 41]

15
16 Comes now Plaintiff PHILIP FOSTER ("Plaintiff") and Defendant THE BOEING
17 COMPANY ("Boeing"), who file the following joint stipulation pursuant to Local Rules 7-1
18 and 7-12:

19 WHEREAS, Defendant BOEING removed this case to the United States District Court
20 for the Northern District of California on December 18, 2008, on the ground that the Court has
21 "federal officer" subject matter jurisdiction under 28 U.S.C. section 1442(a) based on Plaintiff's
22 allegations that his injury was caused by products designed and manufactured by BOEING, and
23 on defendant's allegations that the products were manufactured under the supervision and
24 control of the United States government;

25 WHEREAS, Defendant BOEING was the sole removing defendant and no other
26 defendant joined in removal or filed a separate notice of removal;

27 WHEREAS, Plaintiff and Defendant BOEING, the affected parties, have now reached a
28 resolution of Plaintiff's claims against BOEING;

1 WHEREAS, Defendant BOEING'S desire for a federal forum for this action is now
2 moot given the resolution of Plaintiff's claims against it; and

3 WHEREAS, pursuant to the parties' resolution, Plaintiff and Defendant BOEING seek
4 to have this action remanded to state court, IT IS HEREBY STIPULATED by the affected
5 parties, Plaintiff and Defendant BOEING, that all claims against Defendant BOEING shall be,
6 and hereby are, dismissed with prejudice pursuant to Rule 41 of the Federal Rules of Civil
7 Procedure and that this action shall be, and hereby is immediately remanded to the San
8 Francisco County Superior Court, the court in which it was originally filed and from which it
9 was removed.

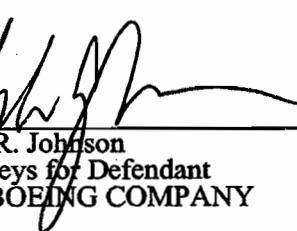
10 Dated: December 30, 2008

BRAYTON ♦PURCELL LLP

11
12
13 By: 
Richard Grant
14 Attorneys for Plaintiff
15 PHILIP FOSTER

16 Dated: December 30, 2008

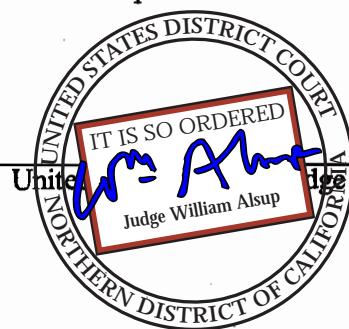
BRYAN CAVE LLP

17
18
19 By: 
Tyler R. Johnson
20 Attorneys for Defendant
21 THE BOEING COMPANY

1 PURSUANT TO STIPULATION, IT IS SO ORDERED. Defendant The Boeing
2 Company is dismissed with prejudice and this case is REMANDED to the Superior Court of
3 California, County of San Francisco, Case No. CGC-08-274866. The Clerk shall send a
4 certified copy of this Order to the Clerk of the Court for the Superior Court of California,
5 County of San Francisco.

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7 Dated: December 31, 2008

By:



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PROOF OF SERVICE BY MAIL

Philip Foster v. The Boeing Company
USDC No. cv08-5657 WHA

I am employed in the County of Marin, State of California. I am over the age of 18 years and am not a party to the within action. My business address is 222 Rush Landing Road, P.O. Box 6169, Novato, California 94948-6169.

On December 31, 2008, I served the following document(s) described as:

**JOINT STIPULATION TO DISMISS DEFENDANT THE BOEING COMPANY
AND TO REMAND ACTION TO STATE COURT AND ORDER THEREON**

on the interested party(ies) in this action as follows:

TO ALL PARTIES ON THE ATTACHED SERVICE LIST

XX BY OFFICE MAILING

I am readily familiar with this office's practice of collection and processing correspondence, pleadings and other matters for mailing with the United States Postal Service on that same day with postage thereon fully prepaid at Petaluma, California in the ordinary course of business. I placed in the outgoing office mail, the above-described document(s), in a sealed envelope, addressed to the party(ies) as stated above, for collection and processing for mailing the same day in accordance with ordinary office practices.

Executed December 31, 2008, at Novato, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


Jane Ehni

Date Created: 12/30/2008 4:38:34 PM
 Created by: LitSupport - ServiceList - Live
 Matter Number: 110032.001 - Philip Foster

Run By : Ehni, Jane (JAE)

Armstrong & Associates, LLP
 One Kaiser Plaza, Suite 625
 Oakland, CA 94612
 510-433-1830 510-433-1836 (fax)
Defendants:
 Crown Cork & Seal Company, Inc.
 (CC&S)

Bassi, Martini, Edlin & Blum
 351 California Street, Suite 200
 San Francisco, CA 94104
 415-397-9006 415-397-1339 (fax)
Defendants:
 Carlisle Corporation (CARLIS)
 Hopeman Brothers, Inc. (HOPE)
 J.T. Thorpe & Son, Inc. (THORPE)
 Kaiser Gypsum Company, Inc. (KAISGY)
 Parker-Hannifin Corporation (PARKHF)

Becherer, Kannett & Schweitzer
 Water Tower
 1255 Powell Street
 Emeryville, CA 94608-2604
 510-658-3600 510-658-1151 (fax)
Defendants:
 American Suzuki Motor Corporation
 (ASUZUK)
 CSK Auto, Inc. (CSKAUT)
 Nissan North America, Inc. (NISSAN)

Berry & Berry
 P.O. Box 16070
 2930 Lakeshore Avenue
 Oakland, CA 94610
 510-835-8330 510-835-5117 (fax)
Defendants:
 Berry & Berry (B&B)

Bowman and Brooke LLP
 879 West 190th Street
 Suite 700
 Gardena, CA 90248-4227
 310-768-3068 310-719-1019 (fax)
Defendants:
 Ford Motor Company (FORD)
 General Motors Corporation (GM)

Bryan Cave LLP
 120 Broadway, Suite 300
 Santa Monica, CA 90401
 310-576-2100 310-576-2200 (fax)
Defendants:
 Boeing Company, The (BOEING)

Brydon Hugo & Parker
 135 Main Street, 20th Floor
 San Francisco, CA 94105
 415-808-0300 415-808-0333 (fax)
Defendants:
 Harley-Davidson Motor Company, Inc.
 (HARLEY)
 Union Carbide Corporation (UNIONC)

Burnham & Brown
 1901 Harrison Street
 11th Floor
 Oakland, CA 94612
 510-444-6800 510-835-6666 (fax)
Defendants:
 Borg-Warner Corporation by its Successor
 in Interest, BorgWarner Morse TEC Inc.
 (BWMORS)

Buty & Curiel
 555 - 12th Street, Suite 1280
 Oakland, CA 94607
 510-267-3000 510-267-0117 (fax)
Defendants:
 Paccar Inc. (PACCAR)

Dorsey & Whitney LLP
 38 Technology Drive
 Suite 100
 Irvine, CA 92618
 949-932-3600 949-932-3601 (fax)
Defendants:
 Flowmaster, Inc. (FLOMAS)

Gordon & Rees LLP
 101 West Broadway
 Suite 2000
 San Diego, CA 92101
 619-696-6700 619-696-7124 (fax)
Defendants:
 Hennessy Industries, Inc. (HENNES)

Gordon & Rees LLP
 Embarcadero Center West
 275 Battery Street, 20th Floor
 San Francisco, CA 94111
 415-986-5900 415-986-8054 (fax)
Defendants:
 Actuant Corporation (ACTCOR)
 Goodyear Tire & Rubber Company, The
 (GOODYR)
 Ingersoll-Rand Company (INGRSL)
 Lockheed Martin Tactical Systems, Inc.
 (LCKMTS)

Haight, Brown & Bonesteel
 71 Stevenson Street, 20th Floor
 San Francisco, CA 94105-2981
 415-546-7500 415-546-7505 (fax)
Defendants:
 Navistar, Inc. (NAVINC)

Hassard Bonnington LLP
 Two Embarcadero Center
 Suite 1800
 San Francisco, CA 94111
 415-288-9800 415-288-9802 (fax)
Defendants:
 Pep Boys Manny Moe & Jack of
 California, The (PEPBOY)

Keesal, Young & Logan
 450 Pacific Avenue
 San Francisco, CA 94133
 415-398-6000 415-981-0136 (fax)
Defendants:
 Lear Siegler Diversified Holdings Corp.
 (LEAR)

Knox Ricksen LLP
 1300 Clay Street, Suite 500
 Oakland, CA 94612-1427
 510-285-2500 510-285-2505 (fax)
Defendants:
 Allis-Chalmers Corporation Product
 Liability Trust (ALLIS)

LeClairRyan, LLP.
 44 Montgomery Street
 18th Floor
 San Francisco, CA 94104
 415-391-7111 415-391-8766 (fax)
Defendants:
 Daimler Trucks North America LLC
 (DAITRU)

Lewis Brisbois Bisgaard & Smith LLP
 One Sansome Street
 Suite 1400
 San Francisco, CA 94104
 415-362-2580 415-434-0882 (fax)
Defendants:
 Kaiser Gypsum Company, Inc. (KAISGY)

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Run By : Ehni, Jane (JAE)

McKenna Long & Aldridge

101 California Street
41st Floor
San Francisco, CA 94111
415-267-4000 415-267-4198 (fax)

Defendants:

Arvinmeritor, Inc. (ARVIN)
Bucyrus International, Inc. (BUCYRU)
Maremont Corporation (MAREMT)
Plant Insulation Company (PLANT)

Nixon Peabody LLP

One Embarcadero
18th Floor
San Francisco, CA 94111
415-984-8200 415-984-8300 (fax)

Defendants:

Chrysler LLC (CHRYS)
Mack Trucks, Inc. (MACKTR)

Perkins Coie LLP

Four Embarcadero Center, Suite 2400
San Francisco, CA 94111
415-344-7000 415-344-7288 (fax)

Defendants:

Georgia-Pacific Corporation (GP)
Honeywell International, Inc. (HONEYW)

Pond North, LLP

350 South Grand Avenue, Suite 2850
Los Angeles, CA 90071
213-617-6170 213-623-3594 (fax)

Defendants:

Genuine Parts Company (GPC) (GPC)
Viacom, Inc. (VIACOM)

Sedgwick, Detert, Moran & Arnold

One Market Plaza
Steuart Tower, 8th Floor
San Francisco, CA 94105
415-781-7900 415-781-2635 (fax)

Defendants:

General Electric Company (GE)
McLeod Industries, Inc. (MCLIND)

Sinunu Bruni LLP

333 Pine Street, Suite 400
San Francisco, CA 94104
415-362-9700 415-362-9707 (fax)

Defendants:

Star Machine & Tool Co. (STARR)

Walsworth, Franklin, Bevins & McCall

601 Montgomery Street, 9th Floor
San Francisco, CA 94111
415-781-7072 415-391-6258 (fax)

Defendants:

Duro Dyne Corporation (DURODN)
Hamilton Materials, Inc. (HAM-M)
Quintec Industries, Inc. (QUINTC)
Thomas Dee Engineering Co., Inc. (DEE)

Wilson, Elser, Moskowitz, Edelman & Dicker LLP

525 Market Street, 17th Floor
San Francisco, CA 94105-2725
415-433-0990 415-434-1370 (fax)

Defendants:

American Honda Motor Co., Inc.
(AHMOCO)
Harley-Davidson Motor Company, Inc.
(HARLEY)
Yamaha Motor Corporation, USA
(YAMAHA)